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| 10/764,397      | 01/23/2004  | James K. Kelley      | 0303                | 9508             |

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| EXAMINER |
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NGUYEN, CHI Q

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| ART UNIT | PAPER NUMBER |
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3635

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 04/06/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/764,397

Applicant(s)

KELLEY ET AL.

Examiner

Chi Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Attachment.

### **DETAILED ACTION**

This Office action is in response to the applicant's patent application filed on 1/23/2004.

#### ***Claim Objections***

Claims 4-8 are objected to because of the following informalities: the preamble of claims 4-8 are inconsistent with their independent claim 1. Appropriate correction is required.

Claims 8 and 14 are objected to because of the following informalities: a citation "the mounting section" does not have antecedent basis. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (See also objection above); It is unclear which "the mounting section" applicant refers to; examiner believes the applicant meant "the locating section" instead. Clarification is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,010,894 to Cappelle.

Claim 1:

Cappelle discloses a ceiling panel 2 comprising a first major surface, a second major surface and at least two edges extending therebetween; recesses 36 extending from the first major surface in a direction toward the second major surface, each recess having an interior wall and a bottom surface; hook members 32, each hook member having a locating section 17 which cooperates with and engages the interior wall of a recess 36 to precisely locate the hook member, and a hook section 32 which cooperates with a ceiling grid member 5 to mount the ceiling panel to a ceiling grid (see Figs. 9-10 and 12).

Claim 2:

Wherein the at least two edges are oppositely facing and parallel to each other and the interior wall of each recess is offset from the at least two edges and is positioned parallel thereto.

Claim 3:

Wherein the bottom surface of each recess is offset from the first major surface and is positioned parallel thereto.

Claim 4:

Wherein each hook member has an attachment section 9 that cooperates with the first major surface to secure and maintain the hook members in position on the panel.

Claim 5:

Wherein each attachment section has openings 14 in which screws are received.

Claim 7:

Wherein the recesses extend from each of the at least two edges in a direction toward an opposing edge.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 2,066,205 to Keating.

Claim 1:

Keating discloses a ceiling panel 2 comprising a first major surface, a second major surface and at least two edges extending therebetween; recesses (wherein a hook member 7 inserts) extending from the first major surface in a direction toward the second major surface, each recess having an interior wall and a bottom surface; hook members 7, each hook member having a locating section 13 which cooperates with and engages the interior wall of a recess to precisely locate the hook member, and a hook section 26 which cooperates with a ceiling grid member 4 to mount the ceiling panel to a ceiling grid (see Figs. 1, 3 and 7-8).

Claim 2:

Wherein the at least two edges are oppositely facing and parallel to each other and the interior wall of each recess is offset from the at least two edges and is positioned parallel thereto.

Claim 3:

Wherein the bottom surface of each recess is offset from the first major surface and is positioned parallel thereto.

Claim 8:

As best understood, wherein the locating section, the bottom wall, and the interior wall form a grid member receiving cavity which receives a grid member therein.

Claims 9-19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 6,389,771 to Moller.

Claim 9:

Moller discloses a ceiling panel system (Fig. 1) comprising a grid network having a plurality of grid members 10, each grid member having a support member S (see attached Fig. 2) and flanges F extending from the support member, a panel 13 having at least two edges extending between a first major surface and a second major surface and a locating member 17 provided on the first major surface, a hook member 19 having a locating section L (see attached Fig. 4) which cooperates with and engages with the locating member of the panel to precisely locate the mounting member relative to the panel and the grid member, whereby the panel is accurately mounted to the grid member (see col. 3, lines 1-15).

Claim 10:

Wherein the locating member 17 is a recess (see col. 3, line 6) which extends from the first major surface of the panel toward the second major surface of the panel, the recess having an interior wall which is precisely located on the first major surface (see Fig. 3).

Claim 11:

Wherein the at least two edges are oppositely facing and parallel to each other and the interior wall of each recess is offset from the at least two edges and is positioned parallel thereto.

Claim 12:

Wherein the recess extends from a first edge of the at least two edges in a direction toward a second opposing edge of the at least two edges.

Claim 13:

Wherein the hook member 19 has a locating section L which cooperates with and engages the interior wall of the recess to precisely locate the hook member and a hook section H (see attached Fig. 4) which cooperates with the flanges of a grid member to mount the panel to the grid network (see Figs. 1-4).

Claim 14:

Best understood, wherein the recess has a locating section, the bottom wall, and the interior wall form a grid member receiving cavity which receives a grid member therein.

Claim 15:

Wherein the hook member has an attachment section 20 that indirectly cooperates with the first major surface to secure and maintain the hook member in position on the panel.

Claim 16:

Wherein the hook member is made from extruded aluminum (col. 3, line 4).

Claim 17:

Moller discloses a ceiling panel system (Fig. 1) comprising a grid network having a plurality of grid members 10, each grid member having a support member S (see attached Fig. 2) and flanges F extending from the support member, a plurality of panels 13, each panel having a separate hook member 19 mounted thereto, the panel and hook member cooperating to form a grid member receiving cavity, the hook member having a hook section H (see attached Fig. 4, which cooperates with a flange of a grid member to accurately mounted to the grid network (see col. 3, lines 1-15).

Claim 18:

Wherein each panel has a first major surface, a second major surface, at least two edges extending therebetween and a recess extending from the first major surface toward the second major surface.

Claim 19:

Wherein the recess is defined by a bottom surface and an interior wall, the interior wall being offset from a first of the at least two edges and is positioned parallel thereto.

***Claim Rejections - 35 USC § 103***



The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat.

No. 7,010,894 to Cappelle.

Claim 6:

Cappelle discloses the basic structures as stated but does not expressly disclose wherein the hook members are made from extruded aluminum. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made to have such hook members made out of aluminum for corrosion free and lightweight purposes. Furthermore, applicant has not disclosed the criticality of this feature.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached at (571) 272-6842.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

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3/28/2007

*Bail Kelt  
summarized  
3/30/07*

